

REMARKS

Favorable review is requested in view of the above amendments and following remarks. Claims 12, 44 - 74, and 79 - 84 have been cancelled without prejudice. Editorial amendments have been made to claims 1, 13, and 39 - 43. The amendments to claims 1 and 39 - 43 are supported, for example, at least at page 19, lines 8 - 12 and claim 12 of the specification. No new matter has been added. Claims 1 - 11, 13 - 43, and 75 - 78 are pending in the application.

Election/Restriction

Claims 44 - 74 and 79 - 84 have been cancelled.

Rejection under 35 U.S.C. § 103

Claims 1 - 43 and 75 - 78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US 2003/019403. Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

The present application was filed on August 7, 2001. Therefore, subject matter which was prior art under former 35 U.S.C. § 103 via 35 U.S.C. § 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." 35 U.S.C § 103(c).

Applicants declare that the claimed invention and US 2003/019403 were, at the time the invention was made owned by, or subject to an obligation of assignment to, Ecolab Inc. Therefore, US 2003/019403 is disqualified as prior art. Withdrawal of the rejection is requested.

Claims 1 - 12, 26 - 43 and 75 - 78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tarara et al. (U.S. Patent No. 6,638,902). Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

Applicants declare that the claimed invention and Tarara et al. (U.S. Patent No. 6,638,902) were, at the time the invention was made owned by, or subject to an obligation of assignment to, Ecolab Inc. Therefore, Tarara et al. is disqualified as prior art. Withdrawal of the rejection is requested.

Claims 1 - 13, 26 - 43, and 75 - 78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Scialla et al. (U.S. Patent No. 5,905,065). Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

Claims 1 and 39 - 43 have been amended to include limitations similar to claim 14, which was not included in the rejection over Scialla et al. In particular, the amendments require that the cleaning composition comprise about 30 to about 90 wt-% active oxygen compound. Scialla et al. do not disclose or suggest this limitation.

With respect to claims 75 - 78, the claims require that the aqueous preparation comprise about 0.5 to about 0.8 wt-% sodium percarbonate. Scialla et al. do not disclose or suggest any composition ranges for the aqueous preparation. Consequently, Scialla et al. do not disclose or suggest that the aqueous preparation comprise about 0.5 to about 0.8 wt-% sodium percarbonate. Withdrawal of the rejection is requested.

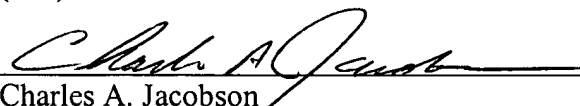
Conclusion

In view of the above amendments and comments presented herein, favorable reconsideration in the form of a Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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